

ENTERED

November 20, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION****LAREDO VAPOR LAND, LLC,****Plaintiff,****VS.****THE CITY OF LAREDO, TEXAS, *et al*,****Defendants.**§
§
§
§
§
§
§
§**CIVIL ACTION NO. 5:19-CV-138****ORDER**

On September 10, 2019, Plaintiff Laredo Vapor Land, LLC, filed suit against the City of Laredo, Texas and two of its employees in the 341st District Court of Webb County, Texas. (Dkt. 1, Ex. 2.) Plaintiff's complaint alleges that Defendants refused to grant Plaintiff permits to develop its land unless Plaintiff granted a "de facto easement" to the City of Laredo. (Dkt. 1, Ex. 2 at 9.) On October 1, 2019, Defendants filed a Notice of Removal to federal court, attached to which is a copy of Defendants' September 30, 2019 answer to Plaintiff's complaint. (Dkt. 1; *See* Dkt.1, Ex. 7.) In response, Plaintiff filed two baseless motions for default (Dkts. 3–4), which falsely assert that "Defendants did not file an answer in state court prior to removing this action to this Court." (Dkt. 3, Ex. 1; Dkt. 4, Ex. 1.) Now pending are Plaintiff's motions to withdraw its previous request and motion for default (Dkts. 7–8).

The Court accepts Plaintiff's filings (Dkts. 7–8) as a binding stipulation that Plaintiff has withdrawn its motion and request. Accordingly, Plaintiff's motions to withdraw its previous filings (Dkts. 7–8) are hereby GRANTED, while Plaintiff's "Request for Entry of Default Against All Defendants" (Dkt. 3) and Plaintiff's "Motion for Entry of Default Against All Defendants" (Dkt. 4) are hereby DENIED as moot.

The Court reminds Plaintiff's counsel that the Federal Rules of Civil Procedure require attorneys to certify that "the factual contentions [in a motion or pleading] have evidentiary support." Fed. R. Civ. P. 11(b)(3). While the Court will not impose sanctions at this time, Plaintiff and its counsel are hereby WARNED that failure to comply with these requirements may result in sanctions. *See* Fed. R. Civ. P. 11(c).

IT IS SO ORDERED.

SIGNED this 20th day of November, 2019.

A handwritten signature in black ink, appearing to read 'D Saldaña', is written over a horizontal line.

Diana Saldaña
United States District Judge